

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

RAUL PAUL PADILLA,

Applicant,

v.

No. CV 09-1037 JP/DJS
(CR 05-0963 JEC)

SARA M. REVELL USP FLORENCE, CO,

Respondent,

ORDER TO CURE DEFICIENCY

Applicant submitted an application for writ of habeas corpus. The Court determines that Applicant's filings are deficient, specifically, the \$5.00 filing fee has not been paid and Applicant has not filed an application to proceed in forma pauperis. Furthermore, Applicant is confined in New Mexico but names a Colorado warden as the Respondent. In a § 2241 proceeding, "the proper respondent is the warden of the facility where the prisoner is being held." *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Applicant must respond to this order, identifying the warden where he is currently confined. Failure to cure the designated deficiencies within thirty (30) days from entry of this order may result in dismissal of this proceeding without further notice.

IT IS THEREFORE ORDERED that Applicant cure the deficiencies designated above within thirty (30) days from entry of this order.

IT IS FURTHER ORDERED that the Clerk mail to Applicant, together with a copy of this order, two (2) copies of a motion for leave to proceed in forma pauperis.



UNITED STATES MAGISTRATE JUDGE